

REMARKS/ARGUMENTS

Claim Status

Claims 1-23 are pending. Of these, Claims 1-12, 14, and 21-23 are amended herein; support for the foregoing amendments can be found in the specification as filed.

Response to the Restriction Requirement

The Examiner has restricted the originally filed claims into three groups:

I: Claims 1-12, 23, drawn to a follicle stimulating hormone peptide (conjugate);

II: Claims 13-20, drawn to a method of making a follicle stimulating hormone peptide conjugate; and

III: Claims 21-22, drawn to a method of stimulating ovarian follicles in a mammal and treating a condition characterized by reproductive infertility.

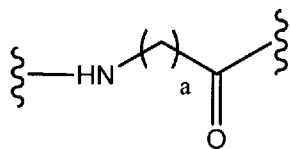
In response, Applicant hereby elects Group I (Claims 1-12, 23) for initial examination with traverse. Applicant expressly reserves the right to prosecute other non-elected claims at a later stage.

As the Examiner is aware, the unity of invention standard, rather than the restriction practice under 37 CFR 1.141-1.146, applies to the present application. Under the unity of invention standard, a group of inventions is considered linked to form a single general inventive concept “when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features.” See 37 CFR 1.475(a) and PCT Rule 13.2.

A “special technical feature” refers to those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art. Under 37 CFR 1.475(b), unity of invention is deemed present where the different categories of claims in a national stage application are drawn to: ... (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product...” The restriction of claims between Group I (FSH peptide conjugate), Group II (method of making said conjugate), and Group III (method of using said conjugate) is, therefore, improper given the existing unity of invention across these claims. In view of the foregoing, Applicant beseeches the Examiner to withdraw the restriction requirement.

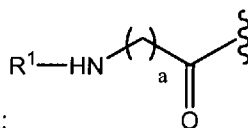
Election of Species

Furthermore, Examiner has required election of a particular structure for R¹-L for initial examination. In response, Applicants hereby elect the following:



L:

(Claims 1-12, 23)



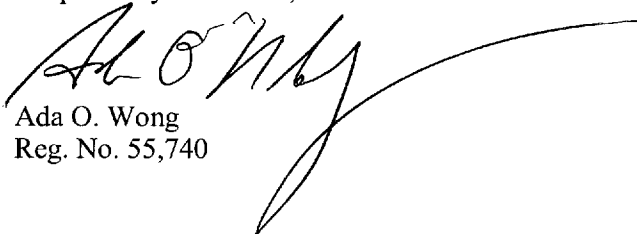
***The above linker structure is depicted in the formula:

of Claim 2.

R¹: branched poly(ethylene glycol) residue (Claims 1-5, 7-12, 23)

In view of the foregoing remarks and amendments, it is believed that the application is now in form for examination on the merits and an early and favorable office action is earnestly solicited. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-442-1490.

Respectfully submitted,



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